

May’s offer would treat Europeans in UK as second-class citizens, MEPs say

Deal will be rejected if not improved - Verhofstadt

European court of justice role a sticking point for PM

Jennifer Rankin and Rowena Mason

Theresa May has been accused of offering EU workers in the UK “second-class citizenship” in a stark warning from the European parliament that they would reject her “damp squib” opening offer on the Brexit negotiations.

The prime minister was told the EU legislature would “reserve its right to reject any agreement that treats EU citizens less favourably than they are at present”.

Writing in the Guardian, the parliament’s Brexit co-ordinator, Guy Verhofstadt, and eight other leading MEPs say the UK’s opening offer on citizens’ rights falls short of both the EU proposal and Vote Leave’s campaign pledges.

“The European Union has a common mission to extend, enhance and expand rights, not to reduce them,” they write. “We will never endorse the retroactive removal of acquired rights. The European parliament will reserve its right to reject any agreement that treats EU citizens, regardless of their nationality, less favourably than they are at present.”

Earlier this month, May offered those here lawfully before Brexit the chance to build up the same rights to work, health-care and benefits as UK citizens. But her proposal falls far short of the EU’s demand for its citizens in the UK to maintain all EU rights in perpetuity, and the UK is not prepared to allow the European court of justice to be the guarantor of those rights.

In their intervention, the MEPs threaten to torpedo a Brexit deal if a better offer is not presented – which would happen if a simple majority in the European parliament voted against the deal’s final terms. The authors include leaders of all the parliament’s pro-EU political groups, representing 77% of MEPs. The MEPs also make



Guy Verhofstadt rejects endorsing ‘the retroactive removal of acquired rights’

it clear they will oppose any extension of the two-year negotiating period, which ends in March 2019. Their main principles will be turned into a parliamentary resolution for MEPs to vote on in September.

The parliament’s stinging rejection of the British offer follows a tough response from the EU’s chief negotiator, Michel Barnier. According to a preliminary analysis shared with EU member states, he sees “many issues still to be clarified” and is concerned that 3.5 million EU nationals in the UK would be left with “no lifelong protection against future changes of UK law”.

Barnier believes the British offer cannot be seen as reciprocal because it would mean EU nationals in the UK and the 1.2 million Britons on the continent would be subject to different laws and courts.

The MEPs reinforce the claim, highlighting that EU citizens would lose their right to vote in local elections, while future family members would be subject to a minimum income test to move to the UK, as well as the lack of clarity over the status of “post-Brexit babies”.

“The British proposal carries a real risk of creating a second class of citizenship,” they write. “It is even in contradiction with the Vote Leave manifesto, which promised it would treat EU citizens ‘no less favourably than at present’.”

During the referendum campaign, Boris Johnson, one of the leaders of Vote Leave and now foreign secretary, said categorically that EU citizens already in the UK would be allowed to stay. Michael Gove, another key figure in Vote Leave and now environment secretary, was of the same view, saying: “EU citizens already lawfully resident in the United Kingdom must retain their right of residence.”

The MEPs also accused the British of vying to be “the new champion of red tape”, as each family member, including children, would have to make a separate application for settled status.

Both the British and EU sides have stressed that settling citizens’ rights is one of their top priorities, but the task is fraught with complexity. In the year-long buildup to the start of talks, EU officials expressed frustration that the British side did not grasp the technical challenge.

The EU will insist on detailed guarantees on the rights of EU citizens in the UK to meet their aim of allowing people to live as if Brexit had never happened.

One of the biggest issues is the European court of justice. The EU side wants to ensure the Luxembourg court has a central role in resolving disputes over citizens’ rights, while May has made ending ECJ jurisdiction a red line. The MEPs argue British courts “apply the laws adopted by British politicians, who are currently unable to give sufficient guarantees for the years to come, let alone for a lifetime”.

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DUP deal

Crowdfunding drive for high court challenge to May ‘bribe’

Owen Bowcott

Henry McDonald

A crowdfunding campaign has been launched to raise funds for a potential legal challenge to Theresa May’s parliamentary deal with the Democratic Unionist party, on the grounds that it breaches the Good Friday agreement.

Ciaran McClean, the son of one of the founders of Northern Ireland’s civil rights movement, is spearheading the challenge to the arrangement through which the DUP gained a £1.2bn aid package for the province. The Green party activist believes the deal, which gives the Conservatives an overall majority with the support of the DUP’s 10 MPs, breaches the 1998 Good Friday agreement and the Bribery Act.

The confidence and supply arrangement, signed in Downing Street on 26 June, granted £1bn extra funding for hospitals, schools and roads in Northern Ireland in return for DUP support in key House of Commons votes. McClean is represented by Dominic Chambers QC of the law firm Edwin Coe. Chambers was involved in the successful supreme

court challenge to the government’s attempts to trigger article 50 without a Commons vote.

McClean said yesterday that the government “has obligations under international law which are not being observed in this deal with the DUP”. The arrangement could be construed as “a bribe to patch together a parliamentary majority”.

The Green party candidate for West Tyrone in the general election denied that there would be major benefits to the province. “The billion-pound bribe actually threatens the institutions in Northern Ireland. How can there be impartiality when one of the executive parties has the UK government over a barrel?”

The legal team aims to issue high court proceedings this week and will push for the case to be heard as early as possible.

The basis of McClean’s claim is that the deal breaches the Good Friday agreement under which the government undertook to exercise its power in Northern Ireland “with rigorous impartiality”.

David Greene, a senior partner at Edwin Coe, said: “This case is of huge public importance and demonstrates that individuals can call governments to account.”



DAVID HARTLEY; JEFF J MITCHELL/GETTY; IAN FORSYTH/GETTY; PETER NICHOLLS/REUTERS

May appeals to Labour party for policy ideas

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of Davis were contemplating circulating a letter calling on May to name a date for her departure, but that Mitchell told them to “go and lie down in a darkened room and then take a holiday”.

In a second warning about May’s waning authority, Grant Shapps, a former Tory chairman, said the prime minister would need to change her leadership style. Writing in the Sun on Sunday, he criticised the attitude of May’s team in No 10 before the election. “During year two, Theresa May will need to operate a completely different model to remain in power,” he said. “She must throw open Downing Street to welcome innovative ideas, listen to business and make better use of the party’s broad talent in parliament and further afield.

“Trusting others and sharing power beyond a tiny praetorian guard may not be her instinctive approach, but doing so now could still help her go beyond just about managing the year ahead.”

However, the majority of Tory MPs appear to be wary of replacing May imminently over fears it could prompt another general election that polls suggest Jeremy Corbyn would win for Labour. One MP

Brexit rebels join forces

Rebel Tory and Labour MPs have formed a cross-party group to oppose hard Brexit, as Theresa May prepares to publish her repeal bill transposing all EU legislation into British law.

Anna Soubry, the former Tory minister, and Chuka Umunna, the former Labour shadow business secretary, will lead the alliance with other MPs from the Lib Dems, the SNP, the Greens and Plaid Cymru in an attempt to coordinate the parliamentary fight against May’s hard Brexit plan.

The bill is likely to be the first opportunity for the group, known as the all-party parliamentary group on EU relations, to scrutinise the next phase of Brexit. “We won’t accept MPs being treated as spectators in the Brexit process, when we should be on the pitch as active players representing our constituents,” said Umunna, who led the Labour rebellion against leaving the single market last month.

The repeal bill, to be published on Thursday, will be a historic piece of legislation reversing the 1972 European Communities Act that took Britain into the bloc, as well as adopting all existing EU standards to ensure a smooth transition.

MPs and rebel Tories fighting for a soft Brexit are likely to try to amend the bill to provide extra safeguards during its passage through parliament.

from the 2015 intake said he was “not at all sure that there is any more than a small handful who would want a change of leadership and most colleagues would punish anyone who started messing about now”.

David Lidington, the justice secretary, told the BBC that leadership speculation was typical of Westminster summer parties, as “almost every July too much sun and too much warm prosecco leads to gossip stories in the media”.

Rumblings of discontent about May’s leadership come in a crucial week, with the government publishing its EU repeal bill on Thursday. The bill aims to transpose all EU law into British law to replace the European Communities Act, ready for the moment of the UK’s exit.

Both Conservative and Labour frontbenches support the principle of leaving the EU but May will still face a battle to pass the bill unamended in the autumn. MPs from all parties are planning a series of attempts to change the legislation, with Labour certain to push for more safeguards for the environment and employment rights. Some senior Tories also sense a chance to change course on cutting ties with the European court of justice.

The mood has alarmed some of the most dedicated Brexiters. David Jones, a former deputy minister in the Department for Exiting the European Union, wrote in the Mail on Sunday that “fanatically pro-EU MPs, both Labour and misguided Tory ones, too, have hatched a cunning plot” to water down Brexit.

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